

ARKANSAS COURT OF APPEALS  
ANDREE LAYTON ROAF, JUDGE  
NOT DESIGNATED FOR PUBLICATION  
DIVISION IV

CA05-1318

May 24, 2006

TEENA E. MCGRIFF

APPELLANT

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION [NO. F307580]

v.

ADDUS HEALTHCARE, INC. AND  
AMERICAN CASUALTY COMPANY  
OF READING, PA

APPELLEES

AFFIRMED

Appellant Teena McGriff appeals the decision of the Arkansas Workers' Compensation Commission (Commission) denying her benefits for injury to her right shoulder and lumbar spine, alleging that the Commission's decision is not supported by substantial evidence. We affirm.

McGriff worked at Addus Healthcare, Inc. (Addus) as a licensed practical nurse. She testified that on May 28, 2003, as she was assisting a five-year-old cancer patient walk down some steps, the child suddenly picked her feet up off the ground and pulled McGriff's arm, shoulder, and back, causing injuries. McGriff stated that she informed the child's mother of her back pain but that she finished her shift. Approximately four days after the incident, McGriff sought medical treatment in the emergency room. McGriff maintained that, other than the occasional sprain or strain, she had never suffered an injury to either her back or shoulder before, and that the May 28, 2003, incident was the sole cause of her injuries. She claimed that she was unable to return to work because of lifting restrictions, medication side effects, and unbearable pain. Robert McGriff testified that when

he saw his wife on the evening of May 28, 2003, she told him that her back and shoulder were hurting because a child pulled on her arm while standing on some steps.

However, medical records presented by Addus established that McGriff had a history of experiencing intermittent back pain since she fell as a teenager. On June 22, 2001, Dr. Ross Bandy diagnosed McGriff with chronic lower-back pain. On April 7, 2003, just one month prior to the alleged injury, McGriff again saw Dr. Bandy and complained that she had experienced “increased discomfort around the right shoulder for the last few weeks.” Emergency room records indicate that on June 2, 2003, a few days after the injury, McGriff presented with lower-back pain that had been bothering her for weeks and that she did not mention being injured at work.

Pamela Goodnight, a former scheduling coordinator for Addus, testified that McGriff did not indicate her back pain was the result of work-related injuries until June 20, 2003. Goodnight also testified that on May 30, 2003, Robert McGriff came to the office to retrieve his wife’s paycheck and stated that he and his wife had to sleep on the floor during their recent vacation because their backs were hurting, probably from riding motorcycles.

When a workers’ compensation claim is denied because the claimant fails to establish entitlement to compensation by a preponderance of the evidence, the substantial evidence standard of review requires the appellate court to affirm the Commission if its opinion displays a substantial basis for the denial of the relief sought by the worker. *See Williams v. L&W Janitorial, Inc.*, 85 Ark. App. 1, 145 S.W.3d 383 (2004); *Oliver v. Guardsmark, Inc.*, 68 Ark. App. 24, 3 S.W.3d 336 (1999). The appellate court views the evidence and all reasonable inferences deducible therefrom in a light most favorable to the findings of the Commission and affirms if the decision is supported by substantial evidence. *Heptinstall v. Asplundh Tree Expert Co.*, 84 Ark. App. 215, 137 S.W.3d 421 (2003). Substantial evidence is such relevant evidence that reasonable minds might accept as adequate to support a conclusion of the Commission. *Id.* The issue on appeal is not whether this court might have reached a different result from that reached by the Commission or whether the evidence would have supported a contrary finding; if reasonable minds could reach the

Commission's conclusion, we must affirm its decision. *Id.* The Commission is required to weigh the evidence impartially without giving the benefit of the doubt to any party and also has the duty of weighing the medical evidence. *Id.* On review, we recognize the Commission's function to determine the credibility of witnesses and the weight to be given their testimony. *Wal-Mart Stores, Inc. v. Stotts*, 74 Ark. App. 428, 58 S.W.3d 853 (2001). The Commission is not required to believe any witness, but may accept and translate into findings of fact only those portions of the testimony that it deems worthy of belief. *Pina v. Wal-Mart Stores, Inc.*, \_\_\_\_ S.W. 3d \_\_\_\_, \_\_\_\_ Ark. App. \_\_\_\_ (May 11, 2005).

The only substantial question presented by this appeal is the sufficiency of the evidence, and the Commission's opinion, findings of fact, and conclusions of law adequately explain the decision to deny McGriff benefits. We find that the Commission's findings are supported by substantial evidence and, therefore, affirm by memorandum opinion. *See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

HART and VAUGHT, JJ., agree.